

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
JOSEPH MILES DAVIS	:	VIOLATIONS:
ADERO MAHIA MIWO	:	18 U.S.C. § 371 (conspiracy to suborn
	:	perjury and tamper with a witness - 1
	:	count)
	:	18 U.S.C. § 1512(k) (conspiracy to tamper
	:	with witnesses - 1 count)
	:	18 U.S.C. § 1512(b)(1) (tampering with a
	:	witness - 4 counts)
	:	18 U.S.C. § 2 (aiding and abetting)

SUPERSEDING INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

INTRODUCTION

1. On or about February 15, 2006, defendant JOSEPH MILES DAVIS and D.S., a person known to the grand jury, were charged by a federal grand jury in the United States District Court for the District of New Mexico, in a one-count indictment (Criminal No. 06-CR-344-JH) with conspiracy to possess with intent to distribute 10 grams or more of phencyclidine (PCP).

2. At the New Mexico federal criminal trial of defendant JOSEPH MILES DAVIS, D.S. testified as a government witness.

3. On or about November 30, 2006, at the end of that trial, defendant JOSEPH MILES DAVIS was convicted of conspiracy to possess with intent to distribute 10 grams or more of PCP.

THE CONSPIRACY

4. From at least on or about December 1, 2006, up to and including on or about March 14, 2007, in the Eastern District of Pennsylvania, the District of New Mexico, and elsewhere, defendants

JOSEPH MILES DAVIS and ADERO MAHIA MIWO

conspired and agreed, together and with persons unknown to the grand jury, to commit the following offenses against the United States: (1) to knowingly suborn the perjury of D.S. before the United States District Court for the District of New Mexico, with respect to matters that were material to the sentencing and post-trial hearings in United States v. Joseph Davis, Criminal No. 06-CR-344 JH, in violation of Title 18, United States Code, Section 1622; and (2) to knowingly corruptly persuade D.S. with intent to influence his testimony in an official proceeding, that is, the sentencing and post-trial hearings in the United States District Court for the District of New Mexico, United States v. Joseph Davis, Criminal No. 06-CR-344-JH , in violation of Title 18, United States Code, Section 1512(b)(1).

MANNER AND MEANS

It was part of the conspiracy:

5. In an effort to obtain a new trial following defendant JOSEPH MILES

DAVIS' conviction in federal court in New Mexico, defendants DAVIS and ADERO MAHIA MIWO devised a plan to obstruct justice by corruptly persuading D.S. to retract his sworn trial testimony in the New Mexico criminal case. Defendants DAVIS and MIWO specifically attempted to suborn the perjury of D.S. by attempting to convince him to testify falsely in sentencing and post-trial hearings that defendant DAVIS was not involved in the PCP conspiracy.

6. Defendants JOSEPH MILES DAVIS and ADERO MAHIA MIWO attempted to carry out this scheme by:
 - a. preparing a script detailing the lies defendants DAVIS and MIWO wanted D.S. to testify about at the sentencing and post-trial hearings in the New Mexico federal criminal case;
 - b. providing false and erroneous legal advice to D.S. that he would not suffer any additional punishment if he committed perjury before the federal judge in the New Mexico case; and
 - c. promising to pay D.S. \$11,000 in return for his perjurious testimony.

OVERT ACTS

In furtherance of the conspiracy, defendants JOSEPH MILES DAVIS and ADERO MAHIA MIWO, and others unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania, the District of New Mexico, and elsewhere:

1. From at least in or about December 1, 2006, to on or about February 4,

2007, defendants JOSEPH MILES DAVIS and ADERO MAHIA MIWO discussed a plan to obstruct justice by convincing D.S. to perjure himself at defendant DAVIS' sentencing and post-trial hearings in his New Mexico federal criminal case.

2. Between on or about December 1, 2006, and on or about February 4, 2007, defendant JOSEPH MILES DAVIS provided defendant ADERO MAHIA MIWO with a proposed "script" describing how the anticipated recorded telephone conversations between defendant DAVIS, who was incarcerated, and D.S. would proceed if defendant MIWO succeeded in persuading D.S. to change his trial testimony.

On or about February 4, 2007:

3. Defendant ADERO MAHIA MIWO approached D.S. and offered to pay D.S. \$11,000 in cash in return for D.S. providing perjurious testimony at defendant JOSEPH MILES DAVIS' sentencing and post-trial hearings in the New Mexico criminal case.

4. Defendant ADERO MAHIA MIWO told D.S. that he would have to "put it on somebody else."

5. Defendant ADERO MAHIA MIWO provided D.S. with a proposed "script," which had been prepared by defendant JOSEPH MILES DAVIS, and asked D.S. to review it.

6. Defendant MIWO also provided D.S. with two law books in which she had highlighted portions which she claimed explained how D.S. would not get into trouble if he committed perjury at defendant DAVIS' sentencing and post-trial hearings according to the defendants' plan.

7. On or about February 7, 2007, during a telephone conversation with D.S.,

defendant ADERO MAHIA MIWO told D.S. that all D.S. had to do was to say that the prosecutor in the New Mexico criminal trial told him what to say when he testified at the trial, that his trial testimony was not true, and that D.S. would not have to worry about being charged with perjury.

8. On or about February 8, 2007, during a telephone conversation with D.S., defendant ADERO MAHIA MIWO and D.S. discussed changes that needed to be made to the “script,” and defendant MIWO stated that she would be the person retyping the “script.”

9. On or about February 12, 2007, during a telephone conversation between defendant ADERO MAHIA MIWO and D.S, defendant MIWO stated that “it’s nothing for me to rewrite it,” referring to the “script” she had provided to D.S.

On or about February 15, 2007:

10. During a telephone conversation with defendant ADERO MAHIA MIWO, D.S. told defendant MIWO that in order for the plan of defendants JOSEPH MILES DAVIS and MIWO to work, D.S. was going to have to testify in New Mexico. Defendant MIWO responded that there would be a hearing, but that there may or may not be a new trial.

11. When D.S. informed defendant ADERO MAHIA MIWO that he was not sure exactly what to say when he got called back into federal court in New Mexico, defendant MIWO replied that she would have her friend write out everything that D.S. needed to say when he testified. Defendant MIWO told D.S. that when he testified in New Mexico, “You do have to play the actor...You do have to get your Oscar on.” Defendant MIWO further told D.S. that when he testified at the sentencing and post-trial hearings he should say that the police threatened and coerced him into making the statements that he had made during defendant DAVIS’ trial.

12. On or about March 9, 2007, during a telephone conversation with D.S., defendant ADERO MAHIA MIWO told D.S. that she had \$1,500 in cash to give him as a down payment and made arrangements to deliver the money to D.S. on or about March 13, 2007 at the Oregon Diner in Philadelphia, Pennsylvania.

13. On or about March 13, 2007, defendant ADERO MAHIA MIWO drove to the Oregon Diner in Philadelphia in a 1995 Plymouth Neon to provide D.S. with the down payment money. Inside the vehicle, defendant MIWO possessed a purse containing the following items:

- a. \$1,380 in United States currency;
- b. A handwritten letter to defendant MIWO from defendant JOSEPH MILES DAVIS, which provided the proposed “script” for D.S. to follow when he had a telephone conversation with defendant DAVIS in an effort to have defendant DAVIS’ federal conviction overturned in New Mexico;
- c. A handwritten letter to defendant MIWO from defendant DAVIS, which provided step-by-step instructions for defendant MIWO to approach and enlist D.S. to participate in their plan to have defendant DAVIS’ conviction overturned in New Mexico by suborning perjury.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 3, and 5 and 6, and Overt Acts 1 through 13 of Count One of this superseding indictment are incorporated here.

2. From in or about December 1, 2006, up to and including on or about March 14, 2007, in the Eastern District of Pennsylvania, in the District of New Mexico, and elsewhere, defendants

JOSEPH MILES DAVIS and ADERO MAHIA MIWO

knowingly attempted to corruptly persuade, and aided and abetted the attempt to corruptly persuade, D.S., a person known to the grand jury, with intent to influence the testimony of D.S. in an official proceeding, that is, the sentencing and post-trial hearings in United States v. Joseph Davis, Criminal No. 06-CR-344 JH, in the United States District Court for the District of New Mexico.

In violation of Title 18, United States Code, Sections 1512(b)(1) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

Introduction

1. Paragraph 1 of Count One of this superseding indictment is incorporated here.
2. An internet website, titled www.whosarat.com, purports to provide internet users with “the largest online database of informants and agents.” This website provides detailed information about government witnesses and undercover law enforcement agents, including their photographs and vital statistics.
3. In or about the spring of 2006, a photograph and personal information of D.S. were posted on the www.whosarat.com website.

The Conspiracy

4. Beginning in or about April 2006 and continuing until on or about November 30, 2006, in the Eastern District of Pennsylvania, the District of New Mexico, and elsewhere, defendants

JOSEPH MILES DAVIS and ADERO MAHIA MIWO

conspired and agreed, together and with persons unknown to the grand jury, to commit an offense against the United States, that is, to knowingly intimidate, threaten, and corruptly persuade other persons with the intent to influence their testimony in an official proceeding, that is, the bail hearing and trial in the United States District Court in the District of New Mexico,

captioned United States v. Joseph Davis, Criminal No. 06-CR-344 JH, in violation of Title 18, United States Code, Section 1512(b)(1).

MANNER AND MEANS

It was part of the conspiracy that:

5. Defendants JOSEPH MILES DAVIS and ADERO MAHIA MIWO took steps to intimidate, threaten, and corruptly persuade D.S., a government witness, in an effort to persuade D.S. to refuse to cooperate with the government and testify truthfully at defendant DAVIS' federal criminal trial in New Mexico.

6. Defendants JOSEPH MILES DAVIS and ADERO MAHIA MIWO possessed and distributed, and aided and abetted and willfully caused the possession and distribution of, fliers bearing a photograph of D.S. and personal information about D.S., which were photocopies of information obtained from the www.whosarat.com website ("whosarat fliers"), in an effort to intimidate D.S. from testifying at defendant DAVIS' New Mexico federal criminal trial.

7. Defendants JOSEPH MILES DAVIS and ADERO MAHIA MIWO knowingly prepared documents and caused the preparation of documents containing false information, which they intended to file with the United States District Court in the District of New Mexico in defendant DAVIS' criminal case, after the documents had been presented to the witnesses for their signature.

OVERT ACTS

In furtherance of the conspiracy, defendants JOSEPH MILES DAVIS and ADERO MAHIA MIWO, and others unknown to the grand jury, committed the following overt

acts, among others, in the Eastern District of Pennsylvania, the District of New Mexico, and elsewhere:

Whosarat.com

1. From in or about Spring to in or about Summer of 2006:
 - a. Defendant ADERO MAHIA MIWO used a personal computer and defendant JOSEPH MILES DAVIS' email account (youngdrago99@yahoo.com) to access the www.whosarat.com website;
 - b. Defendant ADERO MAHIA MIWO possessed the whosarat fliers;
 - c. Defendant ADERO MAHIA MIWO distributed the whosarat fliers to others;
 - d. Defendant ADERO MAHIA MIWO instructed others on how to access the whosarat website; and
 - e. Defendant ADERO MAHIA MIWO, referring to D.S., stated, "The boy is a snitch, and he is going to get his."

2. From in or about June 2006, through August 4, 2006, special agents of the Federal Bureau of Investigation (FBI) repeatedly requested that defendant ADERO MAHIA MIWO turn over her personal computer to the FBI to determine whether defendant MIWO had accessed the www.whosarat.com website. Defendant MIWO did not comply with this request.

3. On or about August 4, 2006, when served with a grand jury subpoena for her personal computer, defendant ADERO MAHIA MIWO falsely claimed that she had donated the computer to a private school.

4. In or about the Fall of 2006, defendant ADERO MAHIA MIWO admitted that “I’ve been a real dickhead to those FBI people. . . I spun them around and had them, they came to me beginning of June. They didn’t get my shit ‘til October. I was f---in’ with them for three months.”

The False Affidavits

5. In or about the Summer of 2006, to assist defendant JOSEPH MILES DAVIS, defendant ADERO MAHIA MIWO attempted to find witnesses who would provide false testimony attacking the credibility of D.S. at defendant DAVIS’ New Mexico federal criminal trial. In addition, in an effort to get defendant DAVIS released on bail, defendant MIWO sought witnesses who would swear and testify falsely that defendant DAVIS had substantial assets or that his business was making a profit.

6. From in or about June 2006, to in or about July 2006, defendant ADERO MAHIA MIWO met with D.P., a person known to the grand jury, and provided him with paperwork concerning various equipment and assets purportedly owned by “88 Breaks,” a recording studio in which defendant DAVIS was a partner. Defendant MIWO told D.P. that defendant JOSEPH MILES DAVIS needed him to vouch for the stated values of the equipment listed on the paperwork, as defendant DAVIS was attempting to have bail set in his criminal case in New Mexico, and needed this information to do so. (Because most of the values of the assets listed in the paperwork, provided to D.P. by defendant MIWO, were false and inflated, D.P. refused to sign the affidavit).

7. In or about August 2006, defendant ADERO MAHIA MIWO met with

D.C., a person known to the grand jury, and provided him with an affidavit which purported to have been prepared by D.C., but which had been prepared by defendant MIWO and another person known to the grand jury. Defendant MIWO pressured D.C. to sign the affidavit, even though the affidavit contained false statements about D.S. and other statements that made it appear that D.C. and D.S. were in business together. (D.C. refused to sign the affidavit because it contained false information).

All in violation of Title 18, United States Code, Section 1512(k).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 1 of Count One, and paragraphs 2 and 3 and 5 through 7, and Overt Acts 1 through 7 of Count Three, of this superseding indictment are incorporated here.

2. Beginning in or about April, 2006, and continuing until on or about May 22, 2006, in the Eastern District of Pennsylvania, in the District of New Mexico, and elsewhere, defendants

JOSEPH MILES DAVIS and ADERO MAHIA MIWO

knowingly attempted to intimidate, threaten, and corruptly persuade, and aided and abetted the attempt to intimidate, threaten, and corruptly persuade, D.S., a person known to the grand jury, with intent to influence, delay, and prevent the testimony of D.S., in an official proceeding, that is, the trial in United States v. Joseph Davis, Criminal No. 06-CR-344 JH, in the United States District Court for the District of New Mexico, by distributing fliers identifying D.S. as a “snitch,” “informant,” and “rat.”

In violation of Title 18, United States Code, Sections 1512(b)(1) and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 1 of Count One, and paragraphs 2 and 3 and 5 through 7, and Overt Acts 1 through 7 of Count Three, of this superseding indictment are incorporated here.

2. In or about June or July, 2006, in the Eastern District of Pennsylvania, in the District of New Mexico, and elsewhere, defendants

**JOSEPH MILES DAVIS and
ADERO MAHIA MIWO**

knowingly attempted to corruptly persuade, and aided and abetted the attempt to corruptly persuade, D.P., a person known to the grand jury, with intent to influence the testimony of D.P. in an official proceeding, that is, the bail hearing in United States v. Joseph Davis, Criminal No. 06-CR-344 JH, in the United States District Court for the District of New Mexico, by attempting to persuade D.P. to vouch for the falsely-inflated value of studio equipment purportedly belonging to defendant DAVIS in an effort to convince the federal court in New Mexico to release defendant DAVIS on bail.

In violation of Title18, United States Code, Sections 1512(b)(1) and 2.

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraph 1 of Count One, and paragraphs 2 and 3 and 5 through 7, and Overt Acts 1 through 7 of Count Three, of this superseding indictment are incorporated here.

2. Beginning in or about April, 2006 and continuing until at least on or about October 11, 2006, in the Eastern District of Pennsylvania, in the District of New Mexico, and elsewhere, defendants

JOSEPH MILES DAVIS and ADERO MAHIA MIWO

knowingly attempted to corruptly persuade, and aided and abetted the attempt to corruptly persuade, D.C., a person known to the grand jury, with intent to influence the testimony of D.C. in an official proceeding, that is, the trial in United States v. Joseph Davis, Criminal No. 06-CR-344 JH, in the United States District Court for the District of New Mexico, by attempting to persuade D.C. to swear to and sign an affidavit containing numerous lies and false statements concerning D.S., a person known to the grand jury, with the intent to influence, delay and prevent D.S. from testifying at defendant DAVIS' New Mexico federal criminal trial, and to falsely discredit D.S. as a witness if D.S. testified at defendant DAVIS' New Mexico federal criminal trial.

In violation of Title 18, United States Code, Sections 1512(b)(1) and 2.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney